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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Russia/Chechnya

For the second year in a row, the Russian government has rejected a resolution expressing concern about the situation in Chechnya adopted by the Commission, and has refused to comply with its requirements. The Russian government failed to take the necessary steps outlined in Resolution 2001/24 to curb serious abuses and start a meaningful domestic accountability process. It likewise failed to establish an independent commission of inquiry or invite several of the Commission's key special mechanisms. Similarly, Chechen rebel fighters ignored the Commission's calls to respect international humanitarian law.

In 2001, the Russian government repeatedly sought to convince the international community that the conflict in Chechnya was winding down and that the situation there was returning to normal. In January, President Putin announced major troop withdrawals and, in September, stated that Russia was ready for peace negotiations. However, in reality little changed; only a very small percentage of Russian troops in Chechnya was actually withdrawn and the first official contact between government and rebel representatives since the start of the conflict yielded no tangible results.

Neither process has affected the persistent cycle of abuse perpetrated by Russian and Chechen forces. Civilians in Chechnya suffer both from ruthless sweep operations by Russian troops and abusive guerilla tactics employed by rebel fighters. In 2001, Human Rights Watch continued to document sweep operations during which Russian troops arbitrarily detained thousands of people and tortured or ill-treated many of them. Human Rights Watch documented more than a dozen extrajudicial executions, including the execution of six men who were detained during a sweep operation in Alkhan-Kala, and dozens of forced disappearances. Chechen rebel forces were widely believed to be responsible for a series of assassinations of civilians seen as cooperating with the pro-Moscow government, bomb attacks near Russian positions, the kidnap of a foreign aid worker, and the murder of a Russian human rights activist.

During a December 2001 research trip to the region, Human Rights Watch documented serious violations of human rights that occurred in the the last quarter of 2001. Human Rights Watch received credible information about the forced disappearance of more than twenty people in the custody of Russian troops, and about another seven cases in which the corpses of men last seen in the custody of Russian forces were found in unmarked graves or dumped by the sides of roads. For example, on December 9 at 2:30 a.m., about twenty masked and armed men in camouflage uniforms—speaking unaccented Russian—burst into the home of the Yunusov family in Alkhan-Yurt. They ordered family members present to lie on the floor, covered them with mattresses, and taped the mouths of several, including a four year-old girl and seventy-two-year-old woman. They took away fifty-three-year-old Musa Yunusov and nineteen-year-old Lom-Ali Yunusov, and then torched their house. Relatives' appeals for information on the whereabouts of the two men were unsuccessful. Five days later, their the two corpses were discovered among five others dumped in the woods in a Grozny suburb. The hands and head of Musa Yunusov had been blown off. Lom-Ali Yunusov's body bore numerous knife wounds and had been pierced in several places.

Human Rights Watch researchers also documented the death of twenty-three-year-old Madina Mezhieva and her sixteen-year-old nephew Amkhad Gekhaev near the village of Komsomolskoe in October 2001. The two victims were reportedly transporting turnips from a field to the village when a military helicopter opened fire on their car. Eyewitnesses saw the helicopter descend and then take away the two passengers, who were apparently still alive. The military commander's office in Gudermes released their mutilated bodies—both were missing limbs—to family members several days later.

Recent research also indicated that Russian forces systematically loot civilians during sweep operations, and that extortion at checkpoints throughout Chechnya remains endemic. Human Rights Watch also found several incidents of indiscriminate fire that caused civilian deaths and destruction of civilian property.

Although the number of investigations into abuses committed in Chechnya rose significantly in 2001, few cases were conducted in a meaningful manner. A list of 358 criminal investigations into alleged abuses against civilians, prepared for the Council of Europe in April, showed that only about 20 percent of the cases were under active investigation; more than half had been suspended. In "disappearance" cases as many as 79 percent of the investigations had been suspended. The criminal investigations list did not include a single case of torture or ill-treatment. Very few abuse cases had progressed to the courts. Courts issued guilty verdicts against servicemen in eleven cases, five of which resulted in prison sentences.

The only trial against a high-ranking military official, for the murder of a Chechen woman in March 2000, seemed set to end in a minimal sentence. In September, a psychiatric institution found that Colonel Yuri Budanov was "emotionally distressed" at the time he murdered Elza Kungaeva, allowing the charge to be reduced to manslaughter, and opening the way for him to be amnestied. Earlier, prosecutors had dropped a rape charge, despite convincing evidence that she had been sexually assaulted.

In the light of these circumstances, Human Rights Watch calls upon the Commission to adopt a resolution on the Chechnya conflict, calling on Russia to issue invitations to the relevant thematic mechanisms and to invigorate the domestic accountability process. In light of the failure by Russia to establish a national commission of inquiry, and the utter lack of an official record of violations of international human rights and humanitarian law committed in the conflict, the resolution should establish an international commission of inquiry, mandated to investigate and document atrocities committed by both sides.